GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA

UNSTARRED QUESTION NO:1809
ANSWERED ON:09.12.2015
Unwarranted Calls/SMS
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Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether the Government has taken note that inspite of instructions from the Telecom Regulatory Authority of India (TRAI), mobile consumer continue to get unwarranted/Pesky calls/SMSs even after their registration with Do-Not-Call- Registry;

(b) if so, the details thereof along with the complaints received in this regard during the current year operater-wise;

(c) whether the guidelines made by TRAI are not followed in this respect by the Telecom service Providers and telemarketers;

(d) if so, the action taken by the Government against the service providers and the tele-marketers and the penalties imposed on them; and

(e) the alternative plan proposed by the Government including the proposal to review the norms/guidelines to check this problem?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (c) Madam, TRAI has laid down the framework for controlling Unsolicited Commercial Communications (UCC) through the 'Telecom Commercial Communications Customer Preference Regulations, 2010'. These regulations have been reviewed from time to time. These regulations prohibit sending of UCC by telemarketers/ subscribers to telecom consumers, who have registered their numbers in the National Customer Preference Register (NCPR) for not receiving UCC. TRAI has been monitoring complaints lodged by consumers regarding receipt of Unsolicited Commercial Communications (UCC) through the TRAI portal (www.nccptrai.gov.in) set up under the framework of these regulations. In-spite of issue of these regulations, there has been violations by telemarketers leading to complaints relating to receipt of unsolicited commercial communications. The complaints received by service providers during the current year upto 30.11.2015 have reduced to 95,286 as compared to 1,46,027 complaints received during the year 2014. Further, it is also seen that most of these complaints relate to UCC originated by unregistered telemarketers. The details of operator-wise complaints received during the current year are attached as Annexure-I.

(d) During the current year, in 80 cases registered telemarketers have been penalized and security deposit of Rs. 61.47 lakhs have been recovered from them. As regard violations by unregistered telemarketers, around one million telephone connections have been disconnected. Further, 3,09,213 subscribers have been blacklisted and they will not be able to get any telephone connections from service provider for two years.

(e) TRAI has been frequently reviewing the implementation of these regulations and has issued 16 amendments to these regulations to make the regulatory framework more effective and stringent. For addressing UCC violations, TRAI has taken the following steps:

(i) Minimum charges of 50 paisa per SMS sent beyond 100 SMS per day per SIM to discourage the misuse of bulk SMS packs by telemarketers.
(ii) To restrict unregistered telemarketers from sending bulk promotional SMSs using software applications, Access Providers have been mandated to put in place a solution, which will ensure that no commercial SMSs are sent having same or similar characters or strings or variants from any source or number. The solution will ensure that not more than 200 SMSs with such similar 'signature' are sent in an hour.
(iii) Disconnection of telecom resources of the offending subscriber on receipt of a valid complaint and blacklisting of the name and the address of such subscriber.
(iv) Disconnection of all telecom resources of such subscriber, upon blacklisting, by all other service providers.
(v) Disconnection of telecom resources of agencies or individuals for whom UCC has been solicited through unregistered telemarketers.
(vi) For increasing consumer awareness, Access Providers have been mandated to send SMS to all customers on periodic basis, advising them not to send any commercial communications and informing about the consequences of misuse.
(vii) The Access Provider is required to take an undertaking from the new customer in the Customer Acquisition Form that the connection will not be used for telemarketing purpose failing which it shall be liable to be disconnected.

Further, there is also provision of financial disincentives on telecom service providers in the regulation, which provides the Financial Disincentive on telecom service providers for the following:

(i) For failure to prevent Unsolicited Commercial Communications (UCC) originated from the service providers network by subscribers who are not registered with TRAI as a telemarketer- The Service Provider shall pay up to a maximum of Rs. 5,000/-

financial disincentive for each valid complaint and
(ii) For contraventions of the provisions of the regulations − Rs. 1 Lakh first contravention, Rs. 5 lakhs for second contravention and Rs. 10 lakhs for third and each subsequent such contravention.

In accordance with the above provisions, TRAI has been imposing financial disincentive on telecom service providers.